

DAVID KEYZER (CA Bar No. 248585)
david@keyzerlaw.com
LAW OFFICE OF DAVID KEYZER, P.C.
5170 Golden Foothill Parkway
El Dorado Hills, CA 95762
Telephone: (916) 243-5259
Facsimile: (916) 404-0436

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

XR COMMUNICATIONS, LLC d/b/a)	Case No. 1:22-CV-861-RP
VIVATO TECHNOLOGIES,)	
)	Hon. Robert Pitman
Plaintiff,)	
)	Special Master David Keyzer
v.)	
)	
DELL TECHNOLOGIES INC. and)	SPECIAL MASTER ORDER
DELL INC.,)	
)	No. SM-1
Defendants.)	

Pursuant to authority provided by the Court's January 20, 2023 Order (Dkt. 68), and after e-mail correspondence between the Special Master and counsel for both sides on that same date, the Special Master hereby **SETS a claim construction hearing for January 27, 2023, at 12:00 P.M. Central Time** by videoconference.

1 Counsel presenting oral arguments shall appear by video. Other counsel and other
2 participants (such as client representatives) that do not present oral arguments may attend
3 either with or without video. Participants shall mute their microphones when they are not
4 presenting oral arguments or are not otherwise actively participating at a particular time.

5 The parties shall confer and select a Reporter, shall confirm the availability of the
6 Reporter for the claim construction hearing, and shall provide the Reporter's contact
7 information to the Special Master **at least 24 hours before the claim construction**
8 **hearing**. The cost of reporting and of ordering transcripts shall be apportioned equally
9 between Plaintiff (one half) and Defendant(s) (one half).

10 The parties shall provide the Reporter and the Special Master with a list of
11 expected participants **no later than 12:00 P.M. Pacific Time at least 24 hours before**
12 **the claim construction hearing**. This list shall indicate each name together with e-mail
13 address and status as counsel, client representative, or other relevant affiliation.

14 The parties shall confer and submit an order of disputed terms for oral argument.
15 If the parties are unable to reach agreement as to the order of terms, then the order of
16 terms shall be determined by Plaintiff selecting the first term, Defendants selecting the
17 second term, Plaintiff selecting the third term, and so forth. The parties shall e-mail this
18 order of disputed terms to the Reporter and the Special Master **at least 24 hours before**
19 **the claim construction hearing**.

1 Each side may present a technology tutorial, not to exceed 10 minutes for Plaintiff
2 and 10 minutes for Defendant(s), at the beginning of the claim construction hearing. This
3 technology tutorial will be optional, and an election by one party to forego a technology
4 tutorial will not affect the opportunity of other parties to present a technology tutorial.

5 Each party shall provide all other parties, the Reporter, and the Special Master with
6 an electronic copy of any demonstrative presentation slides that the party intends to use
7 during the claim construction hearing. **The parties should not attempt any video**
8 **screen sharing** or other presentation of demonstratives during the claim construction
9 hearing but rather should refer to the electronic copies that have been distributed by the
10 parties prior to the hearing. Such demonstrative presentative slides should also be filed in
11 PDF form on the Court's docket (as an attachment to a Notice) **at least 24 hours** before
12 the claim construction hearing.

13 The parties shall confer and arrange for a backup teleconference option to be
14 available during the claim construction hearing (to allow for use of the teleconference if
15 the videoconference fails during the hearing). Counsel shall circulate to all expected
16 participants all information necessary for joining a backup teleconference **at least 24**
17 **hours before the claim construction hearing.**

18 All counsel who present oral argument shall use a **headset, earbuds, or a**
19 **combination of a microphone and headphones** (use of external speakers is not
20 acceptable). This will help to minimize feedback, room echoes, and other audio

1 interruptions that might otherwise be a significant impediment to the Special Master in
2 conducting an efficient hearing, to opposing counsel in having a fair opportunity to
3 respond to arguments, and to the Reporter in producing a clear record.

4 Pursuant to Local Rule 83-6, audio or video recording of the hearing (other than by
5 the Reporter for the purpose of generating a transcript) is hereby prohibited.

6 Zoom information for this claim construction hearing is as follows:

7 Webinar ID: 878 8754 2871

8 Passcode: 12200861

9 IT IS SO ORDERED.

10
11
12 Dated:

January 23, 2023

By:

David Keyzer
David Keyzer
Special Master